
Report of the Head of Strategic Investment

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 29-Jun-2017

Subject: Planning Application 2017/90939 Erection of extensions 61, Jackroyd Lane, Upper Hopton, Mirfield, WF14 8HU

APPLICANT

Mr Moss

DATE VALID

23-Mar-2017

TARGET DATE

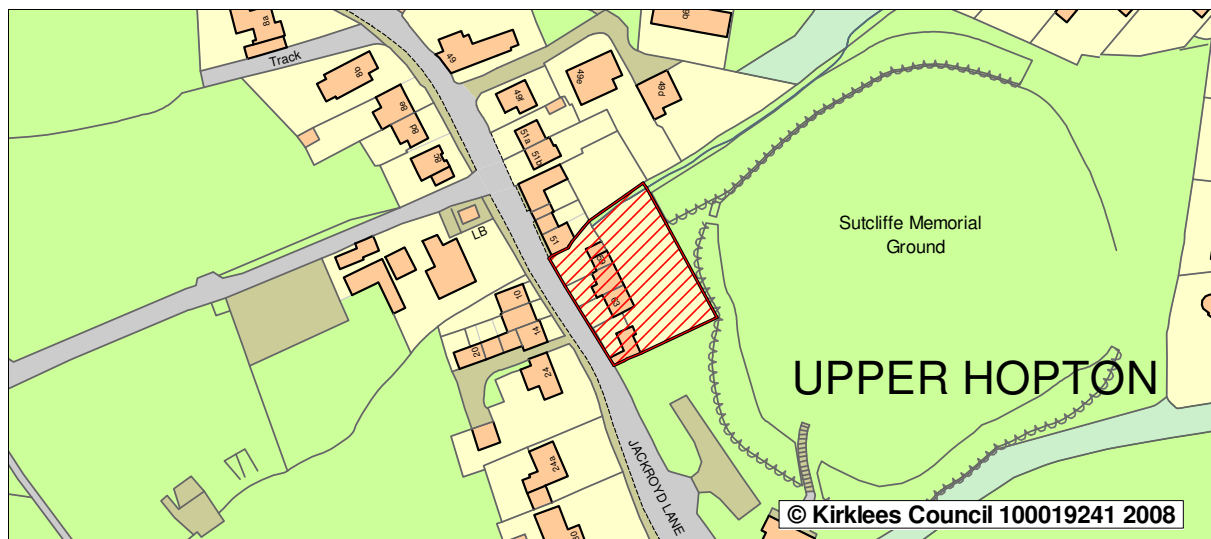
18-May-2017

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Mirfield

No

Ward Members consulted
(referred to in report)

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

- 1.1 This application is reported to Sub-Committee following a request by Councillor Vivien Lees-Hamilton who states:

"This application is overbearing, over intensive, detrimental to living amenity and too close to drainage sites. Could I also add the fact that if this application goes ahead it will create a boxing in effect of the neighbouring properties especially in regards to number 51 Jackroyd Lane.

It will also take away what little light number 51 gets into the back of their house and the kitchen.

To sum I wish to add to my original objection's loss of light and creating a boxing in effect to neighbouring properties. Could I also request that on the site visit the committee members also visit number 51 Jackroyd Lane to view the full effect that this application will have on neighbouring properties".

- 1.2 The Chair of the Sub Committee has confirmed that Councillor Lees-Hamilton's reason for making this request is valid having regard to the Councillors' Protocol for Planning Sub Committees.

2.0 SITE AND SURROUNDINGS:

- 2.1 No. 61 Jackroyd Lane is a two storey dwelling constructed of stone, with tiled roof. The property has a large area of amenity space to the side and rear of which is on a lower level than the dwelling itself. There are outbuildings to the side (south of the site) fronting the highway.
- 2.2 Surrounding the site is predominantly residential to the north-west and east, with open land allocated as urban greenspace to the north-east and south of the site. There is a mixture of residential properties including bungalows and two storey dwellings – many of which have been extended (see planning history section under section 4.0 of this report).

3.0 PROPOSAL:

3.1 Planning permission is sought for the erection of extensions. Each individual element of the proposal will be described below.

3.2 Single storey side extension (south-eastern elevation)

The extension will be 4.2 metres in overall height, will project 4.4 metres from the side of the dwelling and will be 5.5 metres in length.

3.3 Single storey rear and side (north-east) extensions

The extension will project from the side of the dwelling by 2.4 metres, will project 5.7 metres from the rear of the dwelling, is 12.5 metres in width and will be 6.8 metres in overall height (5.4 metres to the eaves).

3.4 The extensions will be constructed from stone for the external walls, tiles for the roof and timber for the openings to match the existing dwelling.

4.0 RELEVANT PLANNING HISTORY:

4.1 99/90356 – Erection of first floor extension APPROVED (no. 51 Jackroyd Lane).

4.2 90/01542 – Extensions and alterations to 3 no. cottages to form 1 no. cottage APPROVED (no. 59-63 Jackroyd Lane).

5.0 HISTORY OF NEGOTIATIONS:

5.1 No amendments have been secured as officers consider that the proposal is acceptable in its current form.

6.0 PLANNING POLICY:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

6.2 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- D2** – Unallocated land
- BE1** - Design principles
- BE2** – Quality of design
- BE13** – Extensions to dwellings (design principles)
- BE14** – Extensions to dwellings (scale)
- T10** – Highways Safety
- T19** – Parking Provision

6.3 Other Documents

Mirfield Design Guide (2002)

6.4 National Planning Guidance:

- **Chapter 7** – Requiring good design
- **Chapter 11** – Conserving and enhancing the natural environment

6.5 Kirklees Publication Draft Local Plan: Submitted for examination April 2017

The site is unallocated on the draft local plan.

Policies:

- PLP21** – Highway Safety and Access
- PLP22** - Parking
- PLP24** - Design

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The Council has advertised the application by site notice/neighbour letters, and the public consultation period ended on 21 April 2017. Two representations have been received and the applicant has provided a statement rebutting these objections. All representations will be summarised and addressed in section 10.0 of this report.

7.2 Mirfield Town Council have been consulted on the application and no comments have been received.

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:**

None

8.2 **Non-statutory:**

KC Conservation and Design (informal) – no objection.

9.0 MAIN ISSUES

- Principle of development
- Visual amenity/local character
- Residential amenity
- Highway issues
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The site is without notation on the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states “planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”.
- 10.2 The general principle of making alterations to a dwelling is assessed against Policies BE1, BE2, BE13 and BE14 of the Unitary Development Plan and advice within Chapter 7 of the National Planning Policy Framework regarding design. Highway safety matters will be considered against Policies T10 and T19 of the UDP. All these require, in general, balanced considerations of visual and residential amenity, highway safety and other relevant material considerations.

Visual amenity/local character:

- 10.3 The impact on visual amenity is acceptable. Each individual element of the proposal will be assessed below. The Council’s Conservation and Design team has been consulted to provide design comments. There is no objection to the proposal.

Side extension (southeast)

- 10.4 Although the extension will be visible from the streetscene, it is single storey in scale and designed with a significant set down from the ridge of the host dwelling and therefore will be read as a subordinate addition. The proposal would be set back slightly from the front elevation of the host property and is considered to be sympathetic in scale and appearance to the host dwelling.
- 10.5 The extension would be constructed from materials to match the host dwelling and the openings/fenestration details replicate the appearance of the main building. The roof form of the extension is consistent with that of the host dwelling which ensures that the traditional appearance of the dwelling is replicated.

- 10.6 Although the side extension would be visible from the streetscene to the south-east, there are a variety of dwellings in close proximity to the site, many of which have extensions. For this reason, the erection of the proposed extensions would not harm the character of the area which does not have a uniform form of development.
- 10.7 Due to the location of the extension to the side of the dwelling, the potential for the creation of a terracing effect needs to be considered in accordance with the guidance set out within Policy BE14 of the UDP. In this case, there are no dwellings to the southeast of the site for a significant distance and the extension is set down significantly from the ridge of the host dwelling. As such, there will be no harmful terracing effect as a result of the proposal.

Side (northeast) extension

- 10.8 Although this extension would be seen in the streetscene, the proposal is on a lower level than the host dwelling and therefore would not form a visually prominent feature in the streetscene and as discussed above, will not harm the character of the area.
- 10.9 The extension is set down significantly from the ridge of the host dwelling and will be constructed from materials to match, which is stone for the walling, stone tiles for the roof and timber for the openings. The proposed openings are of a sympathetic design and scale to the host dwelling and therefore this extension will not detract from the traditional character of the building, especially given the traditional roof form of the extension which matches the main building.
- 10.10 Due to the location of the extension to the side of the dwelling, the potential for creation of a terracing effect needs to be considered in accordance with the guidance set out within Policy BE14 of the UDP. In this case, the extension is single storey in scale and designed with a significant set down from the ridge of the host dwelling. For this reason, along with the distance and indirect relationship between the dwellings, there will be no harmful terracing effect.

Rear extension

- 10.11 This extension would have an overall projection of 7.3 metres from the rear of the dwelling. Policy BE14 advises that *“unless there would be a detrimental effect on visual amenity, adjoining dwellings or any occupier of adjacent land, extensions to terraced, semi-detached and detached dwellings will normally be permitted where the proposal...is to the rear and does not exceed 3.0m in overall projection”*. In this instance, the dwelling is detached and given its relationship with neighbouring dwellings, the scale of the proposal is considered to be acceptable in this instance. Furthermore, the dwelling is located in a large plot and the proposal would not be considered to result in overdevelopment of the site. A condition has been recommended to remove permitted development rights for new extensions and outbuildings within the site to ensure that the site will not be overdeveloped in the future.

- 10.12 The extension is designed to be set down from the ridge of the host dwelling, ensuring that it will be sympathetic in scale and would be read as a subordinate addition. Although its design is not of a traditional appearance and does not replicate exactly the design of the host dwelling, given its location to the rear of the property and matching materials, the extension will not significantly detract from the character of the host dwelling. The Council's Conservation and Design team have been consulted on the application and do not have an objection to the design of the proposals.
- 10.13 With regards to the impact of the development on the streetscene and the character of the area, given the location of the extension to the rear of the site, Officers consider that there would be no significant harm in this regard. There is an adequate distance between the application site and the Sutcliffe Memorial Ground which, along with the screening and the relatively small scale of the proposals, means that this extension will not result in a prominent feature when viewed from the rear.

Summary

- 10.14 In all, the proposed extension are considered acceptable from a visual amenity perspective for the reasons set out above. The proposals are considered to comply with the aims of policies D2, BE1, BE2, and BE13 of the UDP as well as chapter 7 of the NPPF.

Residential Amenity:

- 10.15 The impact on residential amenity is acceptable. Two objections have been received.

Impact on no. 51 Jackroyd Lane

- 10.16 The extension to the northeast side of the dwelling will project closer to no. 51 by 2.4 metres, increasing the bulk and massing closer to this dwelling. The application site is set at a much lower level and is set back from no. 51 by at least 3 metres. The extension would also be set back from the front elevation of the host dwelling by 0.4 metres. For these reasons, along with the fact that the extension is significantly set down from the ridge of the host dwelling and the fact that there are no habitable room windows in the side elevation of no. 51, Officers consider that there would be no significant overbearing or overshadowing impact on the occupiers of this dwelling. The one opening in the side elevation of no. 51 is considered to serve a non-habitable room given its siting in the side elevation).
- 10.17 With regards to overlooking/loss of privacy, there are no openings proposed in the side elevation of the extension facing No.51 and therefore there would be no loss of privacy as a result of the proposal. Should openings be inserted in the future, there may be a degree of overlooking into the rear amenity space of no. 51 and for this reason, a condition has been recommended to remove permitted development rights for new openings in the north-eastern elevation of the extension.

10.18 The extension to the south-east of the site will not impact on the occupiers of this dwelling in any way.

Impact on Divi End

10.19 Given the distance between the application site and Divi End of over 30 metres, there will be no significant detrimental impact on the occupiers of this dwelling for the reasons discussed above.

Impact on dwellings to the south-west (on the opposite side of the highway)

10.20 The extensions are small in scale and given that the extended dwelling will not project closer to these dwellings than existing (a distance of over 15 metres will remain), there will be no impact on residential amenity as a result of this proposal.

Impact to the south-east and east

10.21 There are no dwellings located to the south-east and east of the site for a significant distance and as such, there will be no detrimental impact upon the residential amenity of occupiers of those dwellings.

Highway issues:

10.22 Following a site visit and confirmation from the applicant (email dated 13th June), the parking provision on site is acceptable. There is a garage which is accessed via the cricket field parking area and there is a gated driveway with space for one vehicle.

10.23 There is also a driveway that is accessed directly from Jackroyd Lane and serves another garage. Taking into account the above parking provision, the proposal complies with UDP policy T19.

10.24 Given that the extensions will not be erected on land currently used for parking and the parking situation will not change, there will be no highways safety issues over and above the existing situation. Taking into account the above information, the proposal is considered to comply with UDP policy T10.

Representations

10.25 Two representations have been received. Officers respond to the issues raised as follows:

- Development doubles profile of structures facing Divi End
Response: *Divi End adjoins no. 51 Jackroyd Lane and therefore will not be significantly impacted as a result of the proposals.*
- Overbearing, overshadowing
Response: *This matter is addressed above in the residential amenity section of this report.*

- Visually awkward landmark on landscape when viewed from adjacent properties and Sutcliffe Memorial Ground
Response: *This matter is addressed in the visual amenity section of this report.*
- Significant noise and disturbance to neighbouring properties
Response: *Problems relating to the construction period are not a material planning consideration.*
- Delivery of materials would cause congestion
Response: *Problems relating to the construction period are not a material planning consideration.*
- Loss of amenity from noise, dust and contaminants
Response: *Problems relating to the construction period are not a material planning consideration.*
- Removal of several trees – some of ecological value
Response: *The trees within the garden of the application site are not protected and are not considered to add amenity/ecology value to the area. The trees are not protected by virtue of a conservation area or a TPO.*
- Possible future use – extended dwelling may lend itself to future reconversion to multiple dwellings which may then lead to future problems relating to congestion, road traffic accidents increase
Response: *The impact of the development on highway safety has been assessed in this report. The conversion to multiple dwellings would require a separate planning application in any case.*
- Future window openings in northern elevation and extensions would exacerbate all of the above
Response: *This has been addressed in the residential amenity section of this report. A condition has been recommended to remove permitted development rights for new openings.*
- Current proposal would be detrimental to Divi End occupiers, neighbours and the public at large
Response: *The impact of the development on residential amenity has been addressed in the relevant section of the report.*
- Dominant and overbearing – light and visual aspect will be impaired
Response: *The impact of the development on residential amenity has been addressed in the relevant section of the report.*
- Close to property and boundary – single storey outbuilding will be proposed into two storey extension
Response: *The impact of the development on residential and visual amenity has been addressed in the relevant section of the report.*

- Kitchen has to be lit artificially due to close proximity of trees – this is improved 6 months of the year along with the view
Response: *The loss of view is not a material planning considerations.*
- Shadow no. 51 and prevent view from kitchen or bathroom
Response: *The impact on residential amenity has been considered above. The loss of view is not a material planning consideration.*
- Damp due to lack of sunlight – further reduction in light could make it inhabitable due to medical conditions
Response: *The potential for loss of sunlight has been addressed above in the residential amenity section of the report. The impact of the development upon medical conditions specifically is not a material planning consideration.*
- Car parking is on the street – increase in the numbers would impact on road now and in the future
Response: *The impact on highway safety and parking provision has been considered in paragraph 10.12 of this report.*
- Would visually impact on open spaces adjacent to the property
Response: *The impact of the development on visual amenity has been addressed in the relevant section of the report*
- Extension projects from main building structure
Response: *The impact of the development on visual amenity has been addressed in the relevant section of the report.*

Officer responses relating to Cllr Lees- Hamilton's concerns is below:

- Loss of light to no. 51
Response: *this has been considered in the residential amenity section of this report.*
- Boxing in effect
Response: *This has been interpreted as a concern that the development would result in an oppressive/overbearing impact. The impact on residential amenity is considered in the relevant section of this report.*
- Overbearing
Response: *This has been considered in the residential amenity section of this report.*
- Over-intensive
Response: *This has been considered in the residential amenity section of this report.*
- Detrimental to living amenity
Response: *The issues discussed above have been addressed in this report.*

- Close to drainage sites
Response: *Given the small scale nature of the proposals, it is not considered that the proposed development would lead to flooding or drainage issues.*

Officers have considered the applicant's response to the above comments (email received 30th May 2017):

- Do not think extension will overshadow or overbear property due to single storey level of extensions, levels differences and distance
Response: *This has been covered in section 10.9 of this report.*
- Development will mostly be to the rear of the site and a considerable distance from Sutcliffe Memorial Ground (and obscured by trees) – development will not create a landmark
Response: *The matter of visual amenity has been covered above.*
- Noise and associated issues from building work will not be different from similar building work in the area
Response: *This is not a material planning consideration.*
- Materials will not give rise to pollution as materials will be normal
Response: *Given the small scale nature of the proposal, it is not considered that there will be significant pollution issues arising from this development.*
- Trees will not be removed – will be shrubs and strip of privet. The applicant also makes reference to a conversation with the objector at Easter regarding trees
Response: *There are no protected trees within the curtilage of the site and therefore Officers have no objection to the applicant's intention to remove shrubs/privet.*
- Not our intention to subdivide house and concerns raised relating to further works are unfounded
Response: *The application has been assessed based on the submitted plans.*
- Serious issue relating to parking – house has off road capacity for several vehicles and proposed development will not reduce this capacity in any way. Not aware of serious accidents and park is 200 metres from house. Comments received from objector relating to parking are incorrect
Response: *Highway safety matters have been discussed in section 10.12 of this report.*
- Do not see how development could affect damp and render property unsuitable for human habitation
Response: *This is not a material planning consideration.*
- Trees that are blocking his sunlight have been present for decades (prior to living at the house). Most are positioned on properties owned by third parties
Response: *The development is small in scale and will not affect any protected trees.*

11.0 CONCLUSION

11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

11.2 This application has been assessed against relevant policies in the development plan and other material considerations and it is considered that the development would constitute sustainable development and is therefore recommended for approval.

13.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)

1. 3 year time limit to commence development
2. Development carried out in accordance of approved plans
3. Materials to match existing dwelling
4. Removal of PD rights for new openings in northern elevation
5. Removal of PD rights for extensions and outbuildings

Background Papers:

Link to the application details:-

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017/90939>

Certificate of Ownership – Certificate A signed and dated 12 February 2017.